

**Notice of Allowability**

Application No.

10/648,702

Examiner

Daniel A. Hess

Applicant(s)

LEGER ET AL.

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/27/06 amendment by applicant; 4/27/06 Examiner initiated interview.
2. ☒ The allowed claim(s) is/are 1,3 and 6-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                 |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>4/27/06</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                        |
|   | 9. <input type="checkbox"/> Other _____   |

### EXAMINER'S AMENDMENT / ALLOWANCE

This action is responsive to a 2/27/2006 amendment by the Applicant, as well as a 4/27/2006

Examiner initiated interview that led to the Examiner's Amendment included herein.

#### *Examiner's Amendment*

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Brad Close on 4/27/2006.

The application has been amended as follows:

#### IN THE CLAIMS:

1. (Currently Amended) A forestry management process comprising:
  - inserting, at least ~~one~~ a first tag having a frequency capable of being read by a scanner into a trunk portion of a tree;
  - associating at least one item of information with said ~~at least one~~ first tag;
  - performing at least one subsequent scan on said ~~at least one~~ first tag,wherein said subsequent scan takes place after said ~~at least one~~ first tag is inserted into said tree;
  - obtaining said at least one item of information associated with said ~~at least one~~ first tag;

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wherein said at least one item of information is relevant to forestry management;

wherein ~~at least one of said at least one~~ a second tag is inserted in the base portion of said tree, and wherein said second tag in the base portion of said tree matches said ~~tag in the trunk portion of said tree~~ first tag, whereby matching includes at least one piece of common information;

harvesting said trunk portion of said tree, wherein said second tag in the base portion of said tree remains unharvested.

2. (Canceled) The forestry management process as in claim 1, wherein the inserting of said at least one tag has a negligible physiological impact on said tree.

3. (Currently Amended) The forestry management process as in claim 1, wherein the inserting of said ~~at least one~~ first tag leaves an immediate minimal visual mark on said tree.

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4. (Canceled) The forestry management process as in claim 1, wherein at least one of said at least one tag is inserted into the trunk portion of said tree.

5. (Canceled) The forestry management process as in claim 4, wherein at least one of said at least one tag is inserted in the base portion of said tree, and wherein said tag in the base portion of said tree matches said tag in the trunk portion of said tree.

6. (Original) The forestry management process as in claim 1, wherein said at least one item of information is changed after performing said subsequent scan.

7. (Original) The forestry management process as in claim 1, wherein said at least one item of information comprises at least one of a tree identifier, a border marking, an owner marking, an environmental assessment, an area identifier, and a harvest date.

8. (Original) The forestry management process as in claim 1, wherein said at least one item of information is related to data in a remote data base.

9. (Previously Presented) The forestry management process as in claim 8, wherein said data in said remote data base comprises instructions on when to harvest said tree.

10. (Currently Amended) The forestry management process as in claim 1, further comprising sending said at least one item of information associated with said at least one first tag to a computer

11. (Previously Presented) The forestry management process as in claim 10, wherein said computer gives instruction when to harvest said tree.

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12. (Original) The forestry management process as in claim 10, wherein said computer system is linked with a computer.

13. (Original) The forestry management process as in claim 10, wherein said computer is linked with a scanning system.

14. (Previously Presented) The forestry management process as in claim 1, wherein said subsequent scan is performed with a scanner mounted on at least one of a lumber yard entrance, a lumber yard building, and a truck inspection station.

15. (Original) The forestry management process as in claim 1, wherein said frequency is a radio frequency.

16. (Currently Amended) The forestry management process as in claim 1, wherein at least one of said ~~at least one tag~~ first tag and said second tag is passive.

17. (Currently Amended) The forestry management process as in claim 1, wherein at least one of said ~~at least one tag~~ first tag and said second tag is active.

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18. (Currently Amended) A forestry management process comprising:

inserting, at least ~~one~~ a first tag having a frequency capable of being read by a scanner into a tree;

scanning said ~~at least one first~~ tag by a person;

associating at least one item of information with said ~~at least one first~~ tag;

performing at least one subsequent scan on said ~~at least one first~~ tag;

obtaining said at least one item of information associated with said ~~at least one first~~ tag;

inserting a second tag into a ~~base portion of said tree~~;

wherein said frequency is identifiable over other frequencies;

wherein said at least one item of information is relevant to forestry management;

wherein said at least one item of information is related to data in a remote data base;

wherein information associated with said ~~at least one first~~ tag includes a harvest identifier; and

harvesting said tree, wherein at least one tag remains in said tree at least until said tree arrives at a processing center;

wherein at least one tag is in the base portion of the tree

wherein ~~said second~~ at least one tag is not harvested with said tree, and wherein ~~said second tag the tag not harvested~~ matches at least one piece of information associated with ~~said at least one tag the harvested tag~~.

19. (Previously Presented) The forestry management process as in claim 18, wherein said person may alter said associated data.

20. (Currently Amended) A forestry management process comprising:

inserting at least ~~one~~ a first tag having a frequency capable of being read by a scanner into a harvesting portion of a tree and wherein said frequency is pre-associated with at least one item of information relating to forestry management;

scanning said ~~at least one~~ first tag;

obtaining said at least one item of information associated with said at least one tag;

wherein said at least one item of information is related to forestry management; and

inserting at least ~~one additional~~ a second tag into a stump portion of said tree, where said stump portion is a non-harvested portion of said tree;

wherein said ~~at least one additional~~ second tag matches said ~~at least one~~ first tag;

wherein said ~~at least one~~ first tag is associated with information concerning the location of said ~~at least one additional~~ second tag.

*Allowable Subject Matter*

Claims 1, 3 and 6-20 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art of record fails to teach or render obvious a forestry management process wherein one or more tags are inserted into a trunk portion of a tree such that the tag(s) contain information related to forestry management, wherein one or more tags are inserted into a base portion of a tree such that the tag(s) contain information related to forestry management, harvesting the trunk portion

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of the tree while leaving the base portion and wherein the tag(s) in the base portion match the tag(s) in the trunk portion.

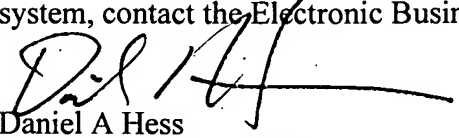
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

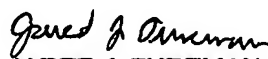
### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel A. Hess whose telephone number is (571) 272-2392. The examiner can normally be reached on 8:00 AM - 5:00 PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Daniel A Hess  
Examiner, Art Unit 2876  
4/28/06

  
**JARED J. FUREMAN**  
**PRIMARY EXAMINER**